P.F 72 895

G. R. S. IX 51

Previous references. 1893-94

192

(L.R)

File No. 883-93

Serial Nos. 1-14

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—14

Major ~~Part~~ B for December 1896.

SUBJECT.

Appeal of Pandit Jwalaprasad and others of Kasba Chunargarh and Regardless to Transfer of Pathak.

WD 2258—G.P.D.—20,000—14-6-20

Rd.

Countermanded

Post

Memo

Letter from the Deputy Commissioner, Kurunegala District, No 742 dated 10th April 1895, transferred to this Department, under Chief Secretary's Memo No $\frac{\text{Pet}^{n}}{1450}$ dated 18th April 1895.

With the letter cited above, the Deputy Commissioner submits the records relating to the appeal Petition No 1042 dated 12th October 1893, from Pandita Jayaweera Arana Krishnappa and certain other residents of Chemiraya-pattuwa in the matter of the transfer of the Patta of certain Kandyan lands from the name of the

temple of Chenna Kesava
swami to that of the
Archak.

2. The Deputy Com-
-missioner reports that
an enquiry he found
the land to be the private
property of the Archak
and consequently ordered
the mutation of names in
the Patta. The petitioners
on the other hand urge
that the land is the
property of the temple
and pray that the
Deputy Commissioner's
order may be set aside.

3. I think the subject
is one to be dealt with
under the Land Revenue
code and Rules.

Adam

This has to be posted for hearing as a Council Case.
Submitted to the Rev. Sec^y HGh
3/8/95

This may be submitted to the 2^d Councillor
3/8/95
by the Petition as it will be usual precis.
3/8/95

Petn HGh
3/8/95

Sub^d to the Rev. Councillor with a translation of the order of the Dr Comm^r referred to in the report.
Council case
Stamp supt
Appeal in time
HK 15/8

Posted 5th September
notices to be issued to
HK 19/8

Transfer to Rev Dept
for disposal
31/7/95

No. 167

The entire fi
is transferred
to Rev Secre
for disposal
Rev Dept

A
Asst
31-7-95
Mazag
Put in the
usual cover
before noon
Cl 19-8-95
17

Appeal No 42 of 93-94

Appellants.

Ramil-Jamnaphana
Rei-Ramaphra and
5 others

Respondent

Ramaswami minor
by guardian
Jogaireharé

Appeal regarding the transfer of
Patta of certain lands at Chamarajahalla
from the name of Chamakkiramadevamma to
that of Respondent.

List of English papers.

(1) Deputy-Commr's Report
(2) Translation of Dy Commr's order.
(3) Appeal petition
(4) Amildar Sheristadar's memo.
(5) Official Memorandum.
(6) Govt Resp No 4631 / 21-545 dt 26. 10. 95
(7) Amildar's Official memo.
(8) Dy Commr's docket dt 25. 4. 96.
(9) Docket of Dy Commr dt 26. 5. 96.
(10) Dy Commrs docket dt 27. 5. 96.
(11) Do dt 5. 6. 96.

Ramaswami is said to be a major.
There is a statement to that effect
in the notes - But Chalachair
says he was born in Vizag -
This point will be enquired into
by the Dep Comr - and his finding
submitted.

It is said that in connection
with Mrs Land there is a print
of the Chs objects in question
of the Temple. This point must
be obtained sent.

The appellant states that
he has several other reasons which
were not considered by the Dep
Comr - & He must be given
an opportunity to produce
them & the Dep Comr will find
with a/c remarks he may
have to make about them.

5/9/95

The Patta in question had been transferred in the name of the Temple in the year 1878 by an order of the then Tahsildar. Officer. That it was so altered is borne out by the original Chitta now produced & marked A 9. This continued till about the year 1891, when the Defendant admitted an appeal against the order of 1878 on the ground that it had not been communicated to the party concerned, and in reversal of this restored the Patta to Anantharakhalli's heir Rama - Sawmy. This order is now in appeal before Court.

The first question which has to be determined is whether the appeal was rightly admitted There is no conclusive evidence to show that the exhibit was not aware of the order - Indeed in the receipt book filed by them and marked B 9 the name of the Khatedar for the year Ramma is given Kesavaswami as Anantha (Chatt Varge of the Receipt book) - (In the Chatt Varge of the name given is Kesavadevaru, Anantha Khatta.

(ಶ್ರೀ ಶಾಂತಿನಾಥ ಬಸದಿಯ ಅ). The transcription recorded on this page are of 1881. There is moreover a declaration of Annaya Bhatta marked C, taken before Sheresadar in the 7th January 1878 in which he distinctly agrees that as the lands were of the temple he had no ownership and that the sale should be made in the name of the temple - The [illegible] is ( ) ಅಭಿಪ್ರಾಯ of ಅಣ್ಣಯ್ಯ ಭಟ್ಟರ ಅಭಿಪ್ರಾಯ ಕೊಟ್ಟಿರುವ ಪ್ರಕಾರ ಅವರಿಗೆ ಯಾವ ಹಕ್ಕೂ ಇಲ್ಲವೆಂದೂ ಆ ಜಮೀನು ದೇವರದೆಂದೂ ಅಭಿಪ್ರಾಯ ಕೊಟ್ಟಿರುವರು.) This statement seems to have been given in the course of an enquiry before the Mooktar Officer who transferred the whole record to the Amin for hearing it de novo and by the Jamnabandi Officer - This was the order 1766 which was issued in 2nd 1878, and has been commented upon by the High Court as being in its terms contradictory of the settlement already made by the Jamnabandi Officer on the 11th Jan 1878 - The two have authors both have in the two different departments under the same Officer - The quotation of

names in the Clearance Jute
book (Pg) will leave not only
room for reference to this Mouzah but
that order does not seem to have
reference to several Khers. That the Cheik
to any individual also agreed to such mutation in
desirous an enquiry upon the receipt
in the office of such order simply that the alteration
which was correct and had also the
been passed approval of the then Khatedar
in accordance with Circular No. 12 of 1876
with the The reply of the Amildar was
Law in effect that the matter had
Mutation received been settled in the previous year
in Mathiah Pargannah -
(see Then facts
marked were not consistent with the contention
A (7). A) now urged in behalf of the Cheik
that he was ignorant of the order
which had been passed - * The
* The ground alleged for appeal was quite out of time
upon for and ought not to have been
opening a admitted by the Dy Court.
decision of 1878 is inadequate.

He argues that the right to
should not have passed an order
in contravention to what had been
issued in 1874. It is too late in
the year 1891 to call into question
the propriety of an order passed
and acted upon in 1878. The interference of
the Dy Court in 1891 with an order
which has become absolute in
1878 is not warranted by law
and cannot be upheld -

Mr. Ramadasayya's learned counsel has also contended that the Trustees always acquiesced in the view that the land in question belonged to the Temple - This contention is not borne out by the facts on record. In the year 1872 a petition was filed by the Trustees of the Temple praying that the land in question be granted to the Temple on Inam tenure. The petition was rejected by the Inam Commissioner on the ground that the land was not Inam land. Subsequently in the year 1875 the Trustees of the Temple again petitioned the Inam Commissioner praying that the land in question be granted to the Temple on Inam tenure. This petition was also rejected by the Inam Commissioner on the ground that the land was not Inam land. The Trustees of the Temple did not appeal against the orders of the Inam Commissioner. On merits also the orders of the Inam Commissioner seem correct. The Trustees of the Temple - Hanumayyagaru - admitted that the land formed an Inam to the Temple - Hanumayyagaru stated in the course of an enquiry before the Inam Commissioner that the land in question was granted to the Temple itself - That this was so is borne out by the fact that when Kannambadi Sreenivasayya became the Archak the land went to his predecessor and not to the Trustees of the Temple who ordinarily succeeded to the office of Archak and not to the younger son who became the Archak and not to the elder brother. These facts are clearly stated in the memo of appeal filed by Sri M. Chandra Sekhara Iyer - In the circumstances there seems to be no doubt whatever that the land belonged to the

Temple and that the Datta
of it was properly made in its name in
the year 1878-
of that the Court appealed against
is reversed - the Datta will
continue in the name of the
Temple -

Mir Abdul Rahman

To Abdul Rahman Sahib
K B

11/11/96

10/11/96

The Superintendent in Kannara
are not to distribute any money
being after any petition received
today. It will not be just.
Consideration after they may not
be available, as also to print
two lines per Sanskrit and
real sheet, as the "Kurral" is
printed in two lines per sheet
11/11/96

2

(2)

facie to stand alone, and cannot
be considered in support of the
bill therein filed.

13

The decision in the case of Smith v. Smith
relied upon distinguished that case from
this suit and that there was no
reason to depart from the settled-
-ness of the rule that a conveyance
executed at the direction of the
grantee, the fact of the
deed not appearing on the record
from the conveyance to the trustee
in the trustee's deed and that the
deed should be executed. The
distinction of parties was objected
in 1873. Neither the petitioning parties
have the right to attack the validity
of the deed, that they had an op-
portunity to test of the grantee
creditors of grantee have objected to
and their remedy against the
grantee to reserve their
rights the respective rights, the matter
had to be reconsidered.

Although the facts of this case
differ from Reynolds case, the
two cases are in such close
both that we see no
reason to disturb

[illegible] Mutual Insurance Company, [illegible] Insurance Company, [illegible] Insurance Company, [illegible] [illegible] that the Court has jurisdiction over the subject matter of this action and the parties hereto. That on or about the [illegible] day of [illegible], [illegible] [illegible] [illegible]

that the land in parcel first - that the
witness referred to in the letter of
1856, signed by the Secretary of the
Cherokee Indians of the Eastern
District Council Assembled, should refer
to the letter from Mr Ross to the
Rev Jno Schaller (Register in Office) and
Recognized and that Messrs Camp-
-bell & Co of the City of Washington
Should Receive Nineteen. Upon after the
-fore the Letter in the Cherokee
Council Assembled, Should Receive,
dated 1856, being Called in the Council
Chamber of the Cherokee Nation - in
Each Instance Should be Referred to
the Committee - Mr Vann read from
the Journal - Mr Ross Referred to
Referred to, Mr Vann to Withdraw
it - Mr Meredith from the Committee
Called from the Journal the Journal
Called from the Committee of the Whole
to Receive to the Journal of Proceedings
Resolution - Mr Meredith from
the Committee of Ways & Means
February 17th Reported - the
Said Journal Called - Mr Vann
in the Chair Referred to the Journal
-Clerk that Previously Read Mr Vann

46

Kindly favour us by sending us copies
of the last two years bills rendered.
Assuring you of our best attention
at all times, we remain
Yours faithfully
for Messrs. Jones & Co.
Secretary

Dear Sir,
We have your favour of the 7th inst.
and in reply beg to say that we
shall be pleased to receive your
order for the goods mentioned
therein, and will do our best
to execute it to your satisfaction.
We are,

(18

Last to Arabian Nilavarasan by number
Endorsed on the first day of the month
for the field of Vaisakha of the year Rauduna (1832-33).
It is stated in the said list that a sum
of 18 fanams and 12 cash is fixed for the
daily and other necessary expenses
and deducting the 4 fanams due to
Ramalu Nayak, Peshkar and
Ramaiah on the said account
the balance viz. 14 fanams due to
Arabi should be [illegible] the
Kandayam of 15 fanams 4½ fanams
due for the said month the Arabi
has been paying from time to time
-wards and that the Arabi
should pay the Kandayam of 15 fanams
-½ fanams to Government - Hence
the above arrangement was discontinued
& the Arabi has been
in force up to Rauduna 1833-34. Setting
aside the said difference and allow-
-ing the deduction of [illegible]
fanams and the [illegible] of Kandayam
as fanams the above fanams thirty
Eight Cash - Owing to Government -

For Nabilabandayam	20	0	0
" Salary Paid	1	2	8
" Arabi's Pay	11	4	0
Total	41	1	30

As the said account is prepared by the
Arabi it tallies with the fanams

the remark entered in the Paisalate account of Nala above referred to, is not confined to the sum of Rs. 28 and odd alone. It might have been a clerical mistake. It seems to apply to the total amount payable to the Archak. Perhaps some modification having subsequently been effected in the above arrangement only the sum of Rs. 28 and odd ~~xxxxx~~ used to be deducted and the balance to cover up the amount of Kandayam recovered from the Archak. However, these references to confirm that the land under dispute has been in the Enjoyment of the Archak from a period previous to the year of Kandayam above referred to. Consequently they do not seem to support the cause of the villagers.

4. The record referred to by them alleging that Ananda Narana Bhatta who was the Archak in 1878 had deposed admitting that the land belonged to the Diety has been taken out and put up with the file. It is stated in the deposition taken down on 7th January 1878 before the Assistant Commissioner, Mr. Devanoorkopar, who was the Inamdar officer at the time that he did not know how his ancestors

came by the land and that if it belonged to the deity the patta if it might be made in the name of the deity. It is not a voluntary admission made on good grounds. This is evident from Inclosure No. 1766 of February 78 signed by the said Agisto. Jour. to the Collector forwarding the above deposition. The said Inclosure is to the effect that Ananta Narana Bhatta states that it does not belong to the temple and that Enquiry should be made as to how the patta was made in the names of the Archak.

5. They allege that in Eeswara (1877-78). the matter having been enquired into in Eeswara (1877-78) it was proved that it belongs to the deity and the patta which was in the name of the Archak made in the name of the deity. Excepting the Kaumi Jasti book relating to that year which sets forth no other proceedings seems to have taken place in the matter. It is understood that upon the submission of the said Kaumi Jasti patta by the Chamberjee with an Enquiry to the Effect that as the land bearing an assessment of Rs. 41-11-1 referred to in the patta of Archak Ananta belonged to the deity. the patta in the Archak's name should be cancelled and made in the name of the deity and that the

[illegible] the Common Council [illegible]
[illegible] Special Meeting [illegible]
[illegible] Common Council [illegible]
[illegible] Common Council [illegible]
[illegible] Petition of [illegible]
[illegible] Petitioners [illegible]
[illegible] Petition [illegible]
[illegible] Petitioners [illegible]
[illegible] Petitioners [illegible]
[illegible] Petitioners

Exiled in the village but not with any sense of weakness of their cause - but the agreement of Gopala Iyar made without the consent of the mother of the minor his chief guardian is of no avail - nor would this agreement affect the rightful claim of the minor -

Since the patta of the land, which has been in the hereditary enjoyment of the family for upwards of 50 years and which does not belong to the deity ~~but has been granted~~, made as stated above in the name of the deity either without enquiry or by mistake cannot be confirmed - it should be altered and made in Ramaswamy's name who now appears to be the claimant to the property -

Acting Amildar Vyasa Rao has expressed an opinion that if a condition be imposed to the effect that permission of government should be obtained when this patta land is required to be transferred to others it would help the duties connected with the Divine Service - The temple is not only endowed with ready money tasdik and for Inam land but is also subject to the management of the Inam department - In case there was any hindrance to the divine worship arrangement suited to the occasion might be made ; nor would there be any objection to the villagers making

any

... of the present Arehik
...ince ...re out by the Sanad
...as ... granted by His Highness
... of late Maharajah and the
... two subsequently granted;
...t in 1874 the Assistant
...Commissioner and Inuzrai
...Officer decided in favour
... the Arehik; that in 1878
...he manager of the Temple
...fraudulently transferred the Patta
...from the name of the Arehik
...to that of God Kesava, so that
...the revenue derived from the
...land might be made available
...for the expenses of processions;
...and that the property in
...question has been entered
...in the accounts
...as Government Kandayan land
...and not as other Inam or
...Vedi.

...Land
...4-10-93

26

(General Serial No. 32.)

1893 (2)

No. 167 [redacted]

Name of Petitioner. Pandita Iravaram Arichimapha and 5 others.

Village. Chemaraya patna

Taluk. Do.

District. Hassan

Date of Arzi. 12-10-93

Date of Receipt. 14-10-93

Date of Disposal.

No. of Enclosures. One only.

ABSTRACT.

The Petitioners appeal against the Deputy Commissioner's order No. 152 dated 12th August 1893, directing the transfer of the Patta of certain land from the name of Ayod Kesava Iyengar to that of the minor Arichik Ramaswamy.

Abstract of the Deputy Commissioner's decision No. 152 dated 12th August 1893:—

The Deputy Commissioner states that the land in dispute is a personal property, and was obtained by Pachhaiyappa the ancestor

27

Stamp sufficient.
Appeal in time
Proceedings & papers to be called for
8/11

L.R. 88-93-1

nce of the present Archbishop
as set out by the claimant
& granted by the Highness
the Rajah Mahārāja and the
two subsequent grants;
that in 1874 the New Land
Commissioner and Inquiry
officer decided in favour
of the Archbishop; that in 1878
the manager of the Temple
fraudulently transferred the Patta
from the name of the Archbishop
to that of Lord Siva, so that
the revenue derived from the
land might be made available
for the expenses of procession &c;
and that the property in
question has been entered
in the accounts
as Government Kandayam land
and not as other Inam &c
lands.

Kandy
14-10-93

granted to Chennakésavadévarn but they were Sirkar ones that were acquired by the said minor archaks' ancestors.

2.— In the year 1871 one Nanjundaiya preferred a complaint against the archaks and prayed that the pattas of lands belonging to certain temples including the temple of Chennakésavadévarn, which were in the names of archaks should be transferred to the names of temples themselves. The matter was fully enquired into by Mr. A. Srinivasa Ayengar, the then Muzrai Officer and it was decided that the Pattas of the lands were for a long time in the names of archaks who were paying Kandayam to Sirkar, that there were no references to show that they were jodi Inam lands and that therefore the complainant's prayer could not be complied with (Vide Muzrai Officer's order to the Amildar of Channarayapatna no: 1649 dated 24th November 1874).

3.— Again in the year 1878 the Shanbhogue of the temple entered the Subject matter in the list of Kanni Jabti of 1877-78 (Eswara) and obtained an order thereon from the Assistant Commissioner Mr. Srinivasa Rao, that the Pattas of the lands should be transferred from the name

of

OFFICE OF THE
MINERAL
BRANCH
DIWAN OF MYSORE

Gen. Serial No. 30.]

1895 1st Feb. 553

From

The Secretary Commissioners
Kaveri Mines.

To

The Chief Secretary to the
Govt. of Mysore.

Dated 10th April 1895.
Despatched "
Received "

Enclosures No. 2 & 3 Maps.

General No. 742
No. 8

In reply to Official Memorandum
No. Fol 677 dated 8th November 1893.

SUBJECT.

Submitting Special Proceedings together with a report on the petition of Pandita Jagannayakamma Bhattaji & sons of Chennapatna praying against the Commissioners' translating the Extra Assessment from the Kaveri Regulation to that of the Mysore Regulation.

References—(to be entered only in the Dewan's Office).

No 31

Deputy Commissioner's Office
Hassan District
Dated Hassan the 1st April 1895.

From

The Deputy Commissioner
Hassan District,

To

The Chief Secretary to the
Government of Mysore
Bangalore.

Sir,

In reply to Revenue official memo No: 679 dated 8th December 1893 forwarding a petition from Pandita Javaraya Kanchappa and others of Channapatna, appealing against the order of this office, directing the patta of certain lands to be transferred from the name of Tiswadévaru to that of the minor Aschali Ramanavaru, I have the honour to state that it would appear from the Vernacular correspondence ending with Channapatna Amildar's report No 125 dated 24th May 1894, herewith submitted, that the Pattas of the lands referred to by the Appellants were for a long time in the name of minor ancestors and the minor archak himself and that the lands were not Inam granted

of Archaks to that of temples (Vide extract from the Register of Kaumi Jabti for 1877-78 Eswara dated 11th January 1878). The Shanbhogue does not seem to have brought to the notice of Mr. Srinivasa Rao the orders passed in 1874 above referred to, or entered the subject of the order in the list. In his explanation the Shanbhogue stated that he entered the matter in the list by verbal orders of Mr. Srinivasa Rao. There was no reason on the part of the Shanbhogue to enter the names of the patels of the lands when there was no complaint received and when the matter was finally decided. As he was one of the parties against the Archaks, he brought the already disposed of matter to the notice of a Separate Officer and obtained a favourable order to himself and his colleagues, and hence his explanation that he entered the matter in the Kaumi Jabti Register by the verbal order of Mr. Srinivasa Rao seems to be vague and unworthy of credit.

4 — As the Shanbhogue was granting receipts as usual to the Archaks for the Kan-day am paid by them to the lands, the latter had no opportunity to know the Shanbhogue's hand against them or the order of Mr. Assistant Commissioner Srinivasa Rao till 1891, when the appellants mooted the question again by means of petitions to this office. A regular and

thorough

JAN
PARTM
131 R
7-95

Before P. N. Krishna moorty Rao Esqr. B.A.
Councillor to the Govt of Mysore.

Petitioners:— 1 Krishnappah
2 Venkata Ramanayya
3 Subbayya.
4 Thammayya.

Counter-Petitioner:— Ramaswamy minor by guardian Gopalachari.

The petitioners beg to state as follows

That they on the 12th Oct 1893 preferred an appeal from the decision of the Deputy Commissioner of Hassan.

That although it is nearly twenty months since the appeal was preferred and four applications have been made praying that a date may be fixed for hearing the parties, no attention has been paid either to our appeal or to our applications.

That the respondent has taken advantage of this long delay to assert his individual right to the property in dispute and the usual worship has not been taking place.

thorough enquiry was instituted into the case by me and after carefully weighing the evidence on both sides, it was decided that the lands under dispute were Government ones and as such the Rahals possessed them for a long time by having the assessment registered and that they were not Jodi or Inam lands and that therefore the Patta of the said lands should be in the name of Rahals as before, vide detailed and elaborate Order to the Amildar of Chinnayapalem No 132 dated 12th August 1893.

Translation of Rahals Petition

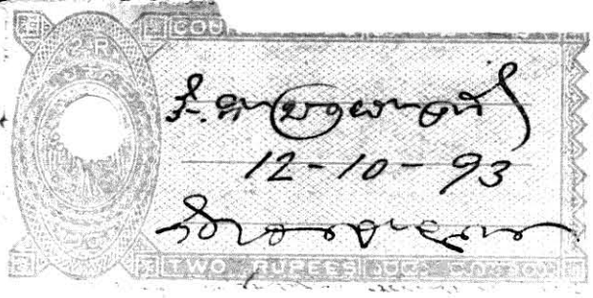
5.— The points taken in the petition by the Appellants are sufficiently detailed in the Order above referred to.

6.— The petition with its enclosures herewith returned as directed.

I have the honour to be
Sir
Your most obedient servant,

J. Murray

Dy Commissioner
Anjengo Division.



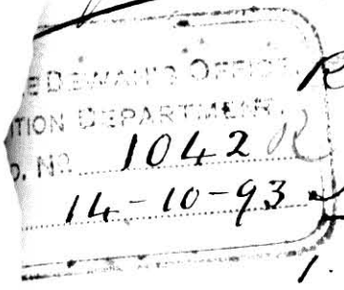
MYSORE SECRETARIAT OFFICE.
PETITION DEPARTMENT.
CAME Mysore
REGISTER 494
DATE 12-10-93

12-10-93

Before the Dewan
to His Highness
the MahaRajah of Mys

A.S.No 42

Revenue Appeal no 93 of 93.



Appellants

1. Panditharajava-
rappana Krishnappa
2. Venkata Ramanayya
Shanubhog
3. Jaiwarada Lingappa
4. Venkata Ramana Jois
5. Krishna Shasbuj's Subbayya
6. Thamannappana
Subbayyana Thammayya

Respond

Ramakr
minor,
son of Anan
narana Bha
residing in A
mand Kam
body, Krish
Raja Pete. Ta
by his guard
Gopala Ch
of Chenn
Roya Pp

The above named Appellants
residents of Chenna Roya Patna, be
to appeal to your honor against th
decision of the Deputy Comr. of Hass
No 132 dated 12th August 1893 on the
following grounds.

1. The inscription on a stone in
the temple of Kasava Davaru in
Chama Roya patna, and the ac-
counts (Kadatha) which are one-
hundred and eight years old and
have come from proper custody pro
that the property in dispute belong
to the temple and not to the Archak

The petitioners therefore pray that a day may be fixed for hearing them and for disposing of the appeal.

29th June 95

Kellyard

Advt for Petitioners

The matter involved is the transfer of alleged [illegible] Mozzi by bill? Anything and what. What Dept acts 6.7.95

[illegible]

65 The Archik this
his possession and not
of his predecessor's brother who inherited
his other property. Likewise in
another devolution of the same,
it went to the younger son who
became the Archak and not to
his elder brother. These facts
are clearly stated in the memo
of Asst Commr Inv Chendra
Sekharaiyer. The Kandayam
of this land seems always
have been credited in a
portment of the Sastri
-lowance due to the
This treatment in
joint transact
to this land a
allowance

2. These accounts are supplemented by Pymaishi accounts of Krodhana eighty years old, which bear out that the property in dispute belonged to the temple above.

3. The Order of Amildar Venkappayya in Nandana i.e 1832-33 to the Archaka Sreenivasayya also goes to prove the same fact.

4. The receipts and disbursements accounts of 1856-57 prove that the Order of Venkappayya was in force.

5. The Deputy Comr was wrong in disbelieving some of the accounts mentioned above, in not taking them as a whole and in not drawing the inferences they naturally suggest.

6. The Deputy Commissioner has given a very unnatural explanation to the Proceedings of the Muzarey Superintendant in 1878 whereby the patta of the land in dispute was transferred from the name of the worshipper to that of the God.

7. The Order of the Muzarey Superintendant No. 1766 dated — of Feb 1878 seems to have been obtained by the fraud of the Gumastha and the carelessness of the Officer, as indicated by the reply of the Amildar 12th March 1879, and the conduct of the Archaka Anantha Narana Bhatta.

8. The ground of the Shambhogi's fraud on which the application for review was entertained by the Deputy Comr in 1891 is completely visionary.

100

9. The Deputy Comr has set aside on very trivial grounds the compromise of 10th may 1892 concerning the land in dispute between the appellant and Gopalachar, the admitted guardian of the minor Ramaswamy which compromise was taken down by the Taluk Shirastadar, and admitted to be correct before the Amildar who had referred the case to the Deputy Commissioner.

10. The Nirup of the late Mahakajah dated 29th July 1811 is neither genuine nor supported by official records.

11. The existence of the patta successively in the names of Kalappa Rangappa, Sreenivasayya and Anantharama Bhatta, who are all worshippers in the temple of Chama Rayaswamy, does not prove that the land in dispute is the private property of the applicant Ramaswamy.

12. The genealogical tree is wrong in stating that Sreenivasayya is the son-in-law of Rangappa instead of his brother-in-law.

13. No evidence has been produced on behalf of the respondent to prove the grant by Darkhasth

14. The order of the Deputy Comr for a transfer of the Patta to the name of the Respondent was mad

without giving any notice to the villagers and without giving them an opportunity to state their objections.

15. The conclusion arrived at by the Deputy Comr in spite of the strong evidence on behalf of the appellants is opposed to the facts and probabilities of the case.

The appellants for the above reasons pray that the order of the Deputy Comr may be set aside and the patta retained in the name of the God alone.

[illegible]

Pet

No. 161.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

L.R. 88-93-4

OFFICIAL MEMORANDUM.

The accompanying Petition No. 131 dated 25th January received at the Dewan's Office from Srinivasappa and three others, praying for early disposal of their appeal regarding the transfer of certain land from the name of the Kasaraderam to that of the Archak.

is forwarded, together with its ~~enclosures~~, to the Inam Secretary

By order,

Revenue
~~Chief~~ Secretary.

BANGALORE,

The 16 February 1895

M.G.C.P.B.—20-2-95—1,000

(8)

43 Proceedings of the Govt of Madras

L.R 88-93-5

Read:-

Letter No 742 dated 10th April 1895 from the Deputy-Commissioner of Nellore, reporting on the Petition of Panditi Jaganadhapuram Krishnappa and others of Channarayapatna, praying the transfer of the Palle of certain lands from the name of Revavadevaru to that of the Petitioner Ramaswami

---

Order thereon. 4/7/95.

Earlier file No 1031 of 95 Pt 848

Ramaswami to be paid a Statement

There is no appeal to the Board

But Gopalarayar may

6- Make about them

6 s

Draft-

C 243

To the Deputy-Commissioner, Kaira District, with the records to be returned with the report.

Holy 14/9 *

For Revenue Secretary

* will follow in a separate packet-
Mus R
2/11/95.

Ver. file sent by parcel Town dtd 6/11/95

S.V.
13/9.

* Record forwarded on 25-10-95

he was born in Kerton. This point will be enquired into by the Deputy Commissioner and his finding submitted

2. It is said that in connection with these lands, there is a judgment of the Chief Court adjudging it in favour of the temple. This judgment must be obtained and sent.

3. The 1st Appellant Kirshnappa states that he has several other references which were not considered by the Deputy Commissioner. He must be given an opportunity to produce them, and the Deputy Commissioner will send them with any remarks he may have

D

draft

Gen. 31.]

1895 (9)

66

From

The Rev. Secretary

L.R. 88-93-b

To

The Deputy Commissioner

Hassan dt.

Dated 5th November 1895

Despatched 7th

Received

General No. 4346.
F. No. 904.

Enclosures No. See Index.

With reference to the records relating to the transfer of the Patta of certain lands, from the name of Kesavadevaru to that of Ramaswami as returned with Proceedings No. 4031 dated 25-10-95, Pol-848 I have the honor to forward, for information, a memorandum showing the discrepancies noticed on a comparison of the Extracts attached to the file with the papers in the file.

By order
5-11-95
Rev. Secretary

REVENUE DEPARTMENT
Cl. No. 2131
Rec'd 693
1 MAY 96
REVENUE OFFICE

From

The Commissioner,
Kaira District.

To

The Secretary to the
Government of Bombay
General and Revenue Dept.
Bangalore.

Dated 25th
Despatched 27th } April 1896.
Received

General No. 960
No. 8.

Enclosure No. 2 and R. file.

With reference to Government Proceedings No. 4031 / 2543 dated 25th October 1895, I have the honor to forward, for orders, a copy of the Inspector's letter No. 165 dated 14th instant, to this office, together with its enclosures, relating to the Kedareshwar Temple at

Submitted for orders in the reference of the order of the 2nd 5th Committee dated 5 Sept 95 passed after hearing the parties in Council on that date.

4/5

5-5-96

Perhaps Mr. Nanabhai can answer the queries. What about the Committee? Is there any thing else?

9-5-96.

9/5/96

Replied to 29 April 1896.

Notices issued

13/5.

Gen. 31]

1896.

(8/96)

L.R. 88-93-6

From

The Assistant Officer
Kasaragod District.

To

The Deputy Commissioner
Kasaragod District.

Dated 14th
Despatched } April 1896.
Received

General No. 165
No.

Enclosure No.

Sir,

With reference to Government Proceedings No. 4031/96-848 dated 2nd October and your memo thereon No. 820/Misc dated 15th November 1895, I have the honor to submit the records relating to the Kasaragod Temple, at Chemanaza-patna with the documents and other evidence

evidence (including evidence for Ramaswami's a/c) produced by the parties before me during the enquiry in the remand order from Government.

2 —— I also submit, as called for, a detailed memo containing all material facts and discussing their bearing on the case.

3 —— The discrepancies in Finish, noted in Secretary to Govt. Revenue Secretary No: 4346/1904 — Dated 5th November 1895, have been explained in the Assistant's report No: 78/588 Dated 10th December 1895.

Thanking you

Signed K. S. Chandrasekhara Aiyar
Divisional Officer
Kaliyan Durg

Copy

Dy Collector
Kaliyan Durg

Gen 731

A 73-95

(12)

REVENUE DEPARTMENT
189 G. No. 2574
Pet No. 768
29 MAY 96
DEWAN'S OFFICE

From

The Deputy Commissioner
Hassan District

To

The Secretary to the
Government of Mysore
General and Revenue
departments

Dated Bangalore
Despatched 27th } 25th May 1896.
Received

General No. 1038
No. Secy.

Enclosure No. one & Ten: papers.

Sir

Off. Branch
29.5.96
Grn Rec'd this date
Rev. Inspr Asst
No. 1756
L.R. 86-93-M

Subd
L.R.

B's docket No 960 of 2574/96
cited herein has not been
received & regd in this (Mysore) Branch
As the question related to
Kandagan lands, the
belonging to a temple, it
is not likely that the reply
will be the first in the Regd

Attd 29/5

The file, relating to the subject is
put up.

[illegible]
4/6.
Print copy of above.
[illegible]
Sent
29/5/96

This office docket
No. 960 dated 20th
April 1896.

In continuation
of the above has the
honor to forward
herewith, Copy of
the General Assistant
Commissioner's docket
No. 174 dated 14th 15th
May 1896, to this office,
with its enclosures
& Cutcherry

Deputy Commissioner

Gen. 31]

1896. (16/4)

52

H. R. 88-93-10

From The General Assistant Commissioner and Huzaraji Officer Hassan

To The Deputy Commissioner Hassan

Dated 14th } May 1896
Despatched 15 }

Received

General No. 174
No.

Enclosure No. 2. C.P.

In continuation of this office
docket No. 165 dated 6th April 96.
Submitting report regarding
the Inundayam land belonging
to the Kodandarama Temple,
at Channarayapatna, has
the honor to state that the
decision of the Chief Court
called for by Government in
their proceedings, were stated
by the Petitioners to refer to
another temple, viz the
Lakshminarayan temple at
Honnavalli (Tiptur Taluk)
that the same has no
bearing on the present case,
and that, as the party
in possession of the
authenticated copy thereof
was in the Tumkur district and

and his presence could not be secured because has been dispensed with. The Summons is thus returned unserved is herein enclosed. Request that the fact may be intimated to Government.

(Signed) A. S. Chandrasekara Esqr
General Assistant
Commissioner Nuwara
Officer, Kandy.

"Copy"

Deputy Commissioner
Kandyan Districts

189

From (14)

The ~~General~~ Secretary to the
Govt. of Mysore.

To The Deputy Commr
Hassan District.

54

L.R. 88-93-11

Dated 11th July 1876

Despatched 15th

Received

General No 413
P. S. No 72-93-

Enclosure on Petn of Kammedari, Kanthi

His docket No 1063 dated
5th June 1876.

With reference to the above has the honour to request that the original Kammiyanti Khad- the original Kammiyanti account and Chitta of the Bedidevalana village, Kasaba Hobli ~~Channarayapatna~~ Channarayapatna Taluk for the year 1877-78 may be forwarded to this office, as early as practicable.

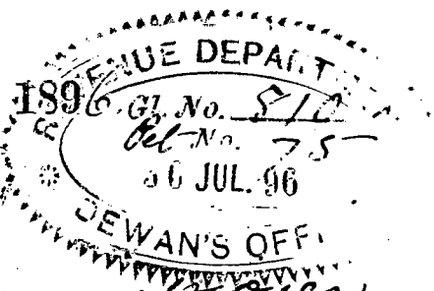
2. The records sent with the above are forwarded for reference and retransmission

Draft-
C+3

For Secretary.

S.C. 11/7

Gen. 31]



From

The Commissioner,
Kistna District.

To

The Secretary to the
Government of Madras
General and Revenue Depts.
(Land Cess)

Dated 27th July 1896.
Despatched
Received

General No. 93
No. [illegible]

Enclosure No. one file of two papers.

Sir Docket No. 413
dated 11-7-72-95
dated 11th July 1896.

Have the honor to submit
the Chittas of the Pedi-
-devadanam villages re-
-lating to the present
case and including
1877-88 among other
years. The original
Kammi jasti Account
had been destroyed, under
the Rules for the destruc-
-tion of Records.-

The Amildar's report
and

and the other Records
received from Govern-
-ment also forwarded
herewith. —

Chittabanja
Dy Commissioner
Darjeeling

(17)

57

L.R. 88-93-15

Proceedings of the Govt of Mysore

Read:—

(1) Petition of applicant No. 42 of 1893-94, presented by Pandita Jagannathana Krishnappa and others of Kasaba Channarayapatna, against the order of the Deputy Commr of Hassan dated 12th August 1893, directing transfer of the Patta of the marginally noted lands in Kasaba Channarayapatna, from the name Channakesavadevaru to that of the Respondent Ramaswami, who is the Archak in the temple of the said deity.

Survey No.	Extent	Assessment
60 Wet	A. G. 2-0	~~Rs~~ 12-0-0
66 Garden	0-17	" 2-8-0
110 Dry	0-24	" 1-0-0
111 "	8-4	" 11-0-0
114 "	3-31	" 5-4-0

(2) Letter No. 742 dated 10th April 1895 from the Deputy Commr, Hassan District reporting on the above petition.

(3) Govt Order No. 403, Pet 848 dated 25th October 1895, directing the

the Deputy Comm^r to enquire and
and report whether the Respondent 56
Ramaswami was a minor, to give
an opportunity to the 1st Appellant
to produce additional references,
and submit them with such re-
marks as the Deputy Comm^r
might think fit to make about
them.

(4) Docket No. 960 dated
25th April 1896 from the Deputy
Comm^r, Kasaragod District, trans-
mitting Asst Comm^r, Mr.
Chandunekharan Nyar's
memo with the entire records
of the case, and stating that
he agrees in the reasonings and
conclusions of that officer.

Order: R.O. $\frac{5-476}{P.72-95}$ S. 12.12.96. Encls 4 to file

The Calls in question
had been transferred in the
name of the Temple, in the
year 1878, by an order of the

1 Copy of Encl
1 Memo
2 V. pp
1 V-file.

V file checked
sun
15/12

then Zamindari Office - That
it was so altered is borne out
by the original title now
produced and marked Ag.
This continued till about the
year 1891, when the deputy Comm.
admitted an appeal against
the order of 1878, on the ground
that it had not been com-
municated to the party con-
cerned, and in reversal of it,
restored the Pattn to Ananta
Bhatta's heir, Ramaswami.
This order is now in appeal
before Govt.

2. The first question which
has to be determined is whether
the appeal was rightly admitted.
There is no conclusive evidence
to show that the Archak was
not aware of the order. Indeed
in the

in the receipt book filed by him and marked Bg, the name of the Khatedar for the year Vikrama is given Kesavaswami Architt Ananthabhatt. (page 6 of the receipt book). At page 8 the name given is Kesava-devam, Ananthabhatta.

(Illegible)

The transactions recorded on this page are of 1881. There is moreover a deposition of Ananthabhatta marked Cg taken before Mr Srinivasa Row on the 7th January 1878 in which he distinctly agreed that, as the lands belonged to the ~~were of the~~ temple, he had no ownership and that the Patta might be made in the name of the temple. This statement seems to have been given to in the course of

an

an enquiry before the Muzroi
Officer who transferred
the whole record to the Amildar,
for having disposed of by
the Jamabundi officer - This
was the order No 1766 which was
issued in February 1878 by the
Muzroi Officer, and has been
commented upon by the Dy
Comr, as being, in its terms,
contradictory of the settlement
already made by the Jama-
bundi officer on the 11th Jan
1878. The two transactions
took place in two different
departments under the same
officer. The mutation of
names in the Kaumee Jasti
book (Dy) took place not
only with reference to this
temple

temple but to several others.
That order does not seem to
have reference to any in-
dividual dispute but
appears to have been passed
in accordance with circular
instructions received in that behalf.
(See recital in clause 1(g)).
That the Sheristi also agreed
to such mutation in an
enquiry before the Mamlatdar
officer, shows simply that the
alteration was correct and
had also the approval of
the then Khatedar. The reply
of the Mamlatdar to order no.
1766 was to the effect that the
matter had been settled in
the previous year's jamabandi.
These facts are not consistent
with the contention now urged

in

in behalf of the Archbishop that he was ignorant of the order which had been passed in 1878. The ground relied upon for the passing a decision of 1879 is immaterial - The plaintiff was guilty of laches and might not to have been admitted by the Privy Council.

3. It is argued that the Roman Church should not have passed an order in execution to that had been issued in 1874. It is to be said in the year 1891 it will not question the propriety of an order passed in 1879 and acted upon till 1891. The interference of the Privy Council in 1891 with an order which had become irrevocable in 1879 is not-

single proprietorship of both.
For these reasons, there seems to be no doubt whatever that the land belonged to the Temple and that the patta of it was properly made in its name in the year 1878.
The order of the Dy Comm^r appealed against is reversed.
The Patta will continue in the name of the Temple.

C2+C3 For Secretary.

Draft 12/12/96

S.V.

To
The Deputy Commissioner,
Hassan District, with recd^s
and copy of endorsement granted
the Appellant.

Noted
M.D. 15/1/97

not warranted by law and can
not be upheld.

4 On merits also the order
of 1873 seems correct. The
Ruling of His Highness the late
Maharaja Krishnaraja Wadiyar
has not been hesitatingly relied
on being suspicious. Rama
Narayan Bhatta has himself
admitted that this land
formed an inam to the
temple. Having regard to
the relation of an archak to
his temple, the continuance
of the land to him under
the altered tenure must be
regarded as a concession
extended to the temple itself.
That this was so is borne out
by the fact that, when Kaman-
dadi Seccimmaya became

67

L.R. 66-93-14

ಶಾಲೆಗಳಲ್ಲಿ ಮಾಡಿರುವಂಥ ಸುಧಾರಣೆಗಳ ಕುರಿತು
ತಿಳಿಸಿ ಎಂದು ಎಲ್ಲರೂ ಕೇಳಿರುತ್ತೀರಿ. ಕಳೆದ
ಮೂರು ತಿಂಗಳುಗಳಲ್ಲಿ ಅಂಚೆ ಕಛೇರಿಗಳಲ್ಲಿ,
ಆಕಛೇರಿಯಿಂದ ಅಂಚೆ ಕಛೇರಿಗೆ ಹೋಗಿ ಬರುವ
ಅಂಚೆಯವರಲ್ಲಿ ಮತ್ತು ಅಂಚೆ ಕಛೇರಿಗಳಲ್ಲಿ ಕೆಲಸ
ಮಾಡುವವರಲ್ಲಿ ಕೇಳಿದೆನು, ಅವರಿಗೆ ತಿಳಿದಷ್ಟು,
ಆಕಛೇರಿಗಳಲ್ಲಿ ಮಾಡಿರುವ ಸುಧಾರಣೆಗಳನ್ನು
ನಾನು ತಿಳಿಸಿದ್ದೇನೆ. ಅಲ್ಲದೆ ಅಂಚೆಯವರು ಶಾಲೆಗಳಲ್ಲಿ
ಮಾಡಿರುವ ಸುಧಾರಣೆಗಳನ್ನು ಕೇಳಿ ತಿಳಿದುಕೊಳ್ಳಲು
ಬಹಳ ಆಸಕ್ತಿಯಿಂದ ಇದ್ದರು. ಅವರಿಂದ
ಸಂಗ್ರಹಿಸಿದ ವಿವರಣೆಯು, ಮತ್ತು ಹಳ್ಳಿಯ ಶಾಲೆಗಳ
ವಿಷಯಗಳನ್ನು, ಈಗಾಗಲೇ ಬರೆದಿರುವ
ಭಾಗಗಳಲ್ಲಿ ಅಲ್ಲಲ್ಲಿ ಸೂಕ್ತವಾದ ಸ್ಥಳಗಳಲ್ಲಿ
ಸೇರಿಸಿದ್ದೇನೆ. ಆದರೆ ಅಂಚೆಯವರಿಂದ
ಸಂಗ್ರಹಿಸಿದ ವಿವರಣೆಯು ಮತ್ತು ಹಳ್ಳಿಯ ಶಾಲೆಗಳ
ವಿಷಯಗಳನ್ನು ಪ್ರತ್ಯೇಕವಾಗಿ ಕೊಡುವುದು ಉತ್ತಮವೆಂದು
ಅನಿಸಿದ್ದರಿಂದ, ಪ್ರತ್ಯೇಕವಾಗಿ ಕೊಡಲಾಗಿದೆ.
ಪಟ್ಟಣಗಳಲ್ಲಿಯೂ, ಹಳ್ಳಿಗಳಲ್ಲಿಯೂ ಶಾಲೆಗಳಿಗೆ
ಸೇರಿದ ಕಟ್ಟಡಗಳು ಮತ್ತು ಅವುಗಳ ಸ್ಥಿತಿಗತಿಗಳು
1878ನೇ ಇಸವಿಯಲ್ಲಿ ಶಾಲೆಗಳ
ಪರಿಸ್ಥಿತಿಗೂ ಈಗಿನ ಪರಿಸ್ಥಿತಿಗೂ ಇರುವ
ವ್ಯತ್ಯಾಸವನ್ನು ಮತ್ತು ಶಾಲೆಗಳಿಗೆ
ಸಂಬಂಧಪಟ್ಟ ಇತರ ವಿಷಯಗಳನ್ನು ತಿಳಿಸಿದ್ದೇನೆ.

ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದೆ. ಸಲ್ಲಿಸಿರುವ ಪತ್ರಿಕೆಯಲ್ಲಿ ಅಡಕವಾಗಿರುವ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಅಗತ್ಯ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿದೆ.

ಅಧಿಸೂಚನೆಯಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ಕರಡು ಅಧಿಸೂಚನೆಯ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕೊನೆಯ ದಿನಾಂಕವನ್ನು ಮುಂದೂಡಲು ಕೋರಿದೆ.

ಆದ್ದರಿಂದ ಕರಡು ಅಧಿಸೂಚನೆಯ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕೊನೆಯ ದಿನಾಂಕವನ್ನು ಕರಡು ಅಧಿಸೂಚನೆಯ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕದಿಂದ ಒಂದು ತಿಂಗಳ ಅವಧಿಗೆ ಮುಂದೂಡಲು ಕೋರಿದೆ.

ಆದ್ದರಿಂದ ಕರಡು ಅಧಿಸೂಚನೆಯ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕೊನೆಯ ದಿನಾಂಕವನ್ನು ಕರಡು ಅಧಿಸೂಚನೆಯ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕದಿಂದ ಒಂದು ತಿಂಗಳ ಅವಧಿಗೆ ಮುಂದೂಡಲು ಕೋರಿದೆ.

By order

Draft

For Secretary 12/12/96

ಆದರೆ ಕೆಲವು ಸಂಸ್ಥೆಗಳು ಕಾಲಾವಕಾಶ ಕೋರಿದ್ದು ಅವುಗಳಿಗೆ ಅಧಿಸೂಚನೆಯ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕಾಲಾವಕಾಶ ನೀಡಲು ಕೋರಿದೆ.

ಆದ್ದರಿಂದ ಕರಡು ಅಧಿಸೂಚನೆಯ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕೊನೆಯ ದಿನಾಂಕವನ್ನು ಕರಡು ಅಧಿಸೂಚನೆಯ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕದಿಂದ ಒಂದು ತಿಂಗಳ ಅವಧಿಗೆ ಮುಂದೂಡಲು ಕೋರಿದೆ.

By order

For Secretary

12/12/96

S.V.